

Laura Cisero
P.O. Box 219
Newtown, CT 06470

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Laura Cisero, LPN
Licensed Practical Nurse License No. 025606
respondent.

CASE PETITION NO. 990524-011-012

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated June 1, 1999. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Laura Cisero, LPN (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued practice of nursing by the respondent presented a clear and immediate danger to public health and safety. On June 2, 1999 the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated June 2, 1999, scheduling a hearing for June 16, 1999. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Motion for Summary Suspension, Summary Suspension Order, Notice of Hearing and Statement of Charges were served in-hand on respondent by Deputy Sheriff Albert Caliendo on June 5, 1999.

The hearing took place on June 16, 1999 at the Wethersfield Town Hall, Wethersfield, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr., June 16, 1999, p.2.

Respondent did not file an answer to the Statement of Charges.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Licensed Practical Nurse license No. 025606 on September 30, 1994. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-B.
2. From approximately October 1998 to March 1999, respondent worked as a pool nurse at Maefair Health Care Center (hereinafter "Maefair") in Trumbull, Connecticut. Dept. Exh. 1.
3. While working as a licensed practical nurse at Maefair, respondent:
 - a. diverted Oxy IR, Oxycodone with APAP, APAP with Codeine, and/or Hydrocodone with APAP;
 - b. permanently removed approximately twenty-six (26) medical records, *e.g.*, proof of use sheets, without authorization;
 - c. failed to completely, properly and accurately document medical or hospital records; and,
 - d. falsified one or more Controlled Substance Receipt Records. Dept. Exh. 1.
4. During March of 1999, respondent worked as a pool nurse at Health Mariner Care of Southern Connecticut (hereinafter "Mariner") in Ansonia, Connecticut. Dept. Exh. 1
5. While working as a licensed practical nurse at Mariner, respondent:
 - a. diverted Oxycodone with APAP;
 - b. permanently removed medical records, *e.g.*, proof of use sheets, without authorization;
 - c. failed to completely, properly and accurately document medical or hospital records; and/or,
 - d. falsified one or more Controlled Substance Receipt Records. Dept. Exh. 1

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Laura Cisero held a valid Licensed Practical Nurse license No. 025606 in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process, served in-hand upon respondent on June 5, 1999, provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

COUNT ONE of the Statement of Charges alleges that from approximately October 1998 to March 1999, while working at Maefair respondent:

- a. diverted Oxy IR, Oxycodone with APAP, APAP with Codeine, and/or, Hydrocodone with APAP;
- b. permanently removed approximately twenty-six (26) medical records, *e.g.*, proof of use sheets, without authorization;
- c. failed to completely, properly and accurately document medical or hospital records; and,
- d. falsified one or more Controlled Substance Receipt Records.

COUNT TWO of the Statement of Charges alleges that in March 1999, while working at Mariner respondent:

- a. diverted Oxycodone with APAP;
- b. permanently removed medical records, *e.g.*, proof of use sheets, without authorization;
- c. failed to completely, properly and accurately document medical or hospital records; and/or,
- d. falsified one or more Controlled Substance Receipt Records.

The Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board deems the charges in Count One and Count Two of the Statement of Charges to be admitted.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17...(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following:...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...(6) fraud or material deception in the course of professional services or activities. . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in COUNT ONE and COUNT TWO of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, respondent's Licensed Practical Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Count One and Count Two of the Statement of Charges, each one separate and by itself justifiable for revocation, respondent's Licensed Practical Nurse license, No. 025606, is revoked effective the date this Memorandum of Decision is signed by the Board of Nursing.
2. Respondent is hereby directed to immediately surrender Licensed Practical Nurse license, No. 025606 to the Board of Examiners for Nursing, Department of Public Health, 410 Capitol Avenue, MS #13PHO, P.O. Box 340308, Hartford, Connecticut 06134-0308.

The Board of Examiners for Nursing hereby informs respondent, Laura Cisero, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 6th day of October, 1999.

BOARD OF EXAMINERS FOR NURSING

By

